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ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/18/08



THE CITY OF NEW YORK
LAW DEPARTMENT

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MEMO ENDORSED

July 17, 2008

VIA FACSIMILE (212) 805-6326

The Honorable Colleen McMahon
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

7/17/08
OK

Re: *Alexander Alhovsky v. The City of New York, et al.*, 07 CV 7628 (CM)

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the City of New York, Thomas Ryan, Timothy Gaven, Samuel Panuccio and Steven Goetz. I write to request an enlargement of time for defendants Gaven, Panuccio and Goetz to answer or otherwise respond to the above-referenced Second Amended Complaint from July 14, 2008 to July 25, 2008. Plaintiff's counsel does not oppose this request. Suzette Rivera, the attorney formerly handling this case for the City, has left her employment with this office and the case was reassigned to the undersigned. I just received the file this morning, and plan to prepare and file the answers on behalf of these three defendants in a matter of days.¹

Upon information and belief, the named individual officer Christopher Paul was served with the summons and complaint in this action. This office has not discussed with the defendant Paul the manner of service, and we make no representation herein as to the adequacy of process on him. Although this office does not currently represent Officer Paul in this action, and assuming he was properly served, this office respectfully requests that the Court also grant this extension on his behalf, in order that his defenses are not jeopardized while representational issues are being decided. See *Mercurio v. City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985)).

¹ The City and Ryan answered the Second Amended Complaint on June 3, 2008.

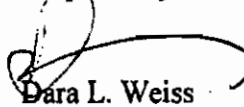
(decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

Upon information and belief, Officers Mornezoni and Alfonso are retired from the NYPD. According to plaintiff's counsel, he very recently Officer Morenzoni. This office is attempting to locate a place of service for Officer Alfonso and will advise plaintiff accordingly.

No previous request for an extension has been made by defendants Gaven, Panuccio and Goetz. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be extended to July 25, 2008.

Thank you for your consideration in this matter.

Respectfully submitted,



Dara L. Weiss
Senior Counsel

cc: Robert K. Erlanger (via facsimile)